

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Benjamin Mario Soto,

Civil No. 13-2253 (DWF/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Access Ability Incorporated, et al.;
Minneapolis Department of Civil Rights
(MDCR), et al.; Minneapolis Commission
on Civil Rights (MCCR), et al.; Office of
the City Attorney (Minneapolis), et al.; and
Minneapolis Mayor's Office, et al.,

Defendants.

This matter is before the Court upon Plaintiff Benjamin Mario Soto's ("Plaintiff") self-styled objections (Doc. Nos. 51-57) to Magistrate Judge Steven E. Rau's March 26, 2014 Amended Report and Recommendation (Doc. No. 50) insofar as it recommends that this action be summarily dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Amended Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections. Having carefully reviewed the record, the Court concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation.

Plaintiff appears to generally object to the Magistrate Judge's recommendation that this case be summarily dismissed. (*See generally* Doc. Nos. 51-57.) The undersigned agrees with the Magistrate Judge's determination that Plaintiff's Second Amended Complaint fails to state a valid claim. (*See* Doc. No. 39.) Even taking into consideration the additional allegations contained within Plaintiff's supplemental filings (*see* Doc. Nos. 51-57), and assuming, without deciding, that Plaintiff would be granted further leave to file a Third Amended Complaint, the Complaint would still not survive a motion to dismiss for the reasons stated in the Amended Report and Recommendation. (*See* Doc. No. 50 at 2-3.) The Court thus concludes, as did Magistrate Judge Rau, that Plaintiff has failed to assert a plausible claim against Defendants. Consequently, the Court dismisses this matter.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Benjamin Mario Soto's objections (Doc. Nos. [51], [52], [53], [54], [55], [56], [57]) to Magistrate Judge Steven E. Rau's March 26, 2014 Amended Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Steven E. Rau's March 26, 2014 Amended Report and Recommendation (Doc. No. [50]) is **ADOPTED**.

3. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
4. Plaintiff's application for leave to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED AS MOOT**.
5. Plaintiff's Motion for Summary Judgment (Doc. No. [21]) is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 30, 2014

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge